

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JACK E. FERRARI,)	
)	Civil Action No. 06 - 94
Plaintiff,)	
)	Judge Gary L. Lancaster
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
JO ANNE B. BARNHART,)	
Secretary of Health and Human)	
Services,)	
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on January 20, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 18), filed on February 5, 2007, recommended that Plaintiff's Motion for Summary Judgment (Doc. No. 11) be granted, Defendant's Motion for Summary Judgment (Doc. No. 15) be denied, and the decision of the Commissioner of Social Security denying an award of disability insurance benefits and supplemental security income be reversed and the case be remanded for rehearing, pursuant to sentence four of 42 U.S.C. § 405(g), and for such other proceedings as are consistent with the Report and Recommendation. Service was made on all counsel of record. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the Report and

Recommendation. Objections to the Report and Recommendation (Doc. No. 19) were filed by Defendant on February 22, 2007. Plaintiff filed a Response to Defendant's Objections (Doc. No. 20) on March 8, 2007. After review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto and the response to the objections, the following order is entered:

AND NOW, this 14th day of March, 2007,

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 11) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (Doc. No. 15) is **DENIED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security denying an award of disability insurance benefits and supplemental security income is **REVERSED** and the case **REMANDED** for rehearing, pursuant to sentence four of 42 U.S.C. § 405(g), and for such other proceedings as are consistent with the Magistrate Judge's Report and Recommendation.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated February 5, 2007, is adopted as the opinion of the Court.



GARY L. LANCASTER
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

All Counsel of Record
Via Electronic Mail